

By



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,450	05/02/2001	David S. Parkman	7784-000207	7745

7590 01/26/2005

Mark D. Elchuk
Harness Dickey & Pierce P.L.C.
P.O. Box 828
Bloomfield Hill,, MI 48303

EXAMINER

ORGAD, EDAN

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/847,450

Applicant(s)

PARKMAN, DAVID S.

Examiner

Edan Orgad

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 14, 15 and 17 is/are allowed.
- 6) ☒ Claim(s) 7 and 16 is/are rejected.
- 7) ☒ Claim(s) 8-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 7 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frisco et al (US 6,208,307) in view of Lusignan (US 5,649,318).

Regarding claim 7, Frisco teaches a system for transmitting forward link transponder assignments from at least one transponder (element 33) to a plurality of mobile platforms (elements 45 and 47) comprising: at least one piece of receiver equipment (element 33) on the mobile platform; and at least one piece of communications equipment on the mobile platform (element 35), wherein when the piece of communications equipment transmits the forward link transponder assignments to the piece of receiver equipment when the piece of receiver equipment loses at least one forward link assignment (col. 11, lines 45-60).

However, Frisco fails to specifically disclose at least one ground station in communication with the mobile platform via the transponder, the ground station comprising a master forward link transponder assignment list.

However, in the same field of endeavor, Lusignan teaches loading forward link transponder assignments onto a piece of communications equipment of the mobile platform (col. 13, lines 14-35 & col. 18, lines 56-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Lusignan's teachings with Frisco's failed receiver notification means in order to be able dynamically reassign each digital television channel to any transponder on each C-band satellite.

Regarding claim 16, Frisco teaches a method of transmitting forward link transponder assignments to a mobile platform having a failed receiver (col. 11, lines 46-61), the method comprising the steps of: transmitting a signal from the piece of communications equipment to a piece of receiver equipment, wherein the signal comprises forward link transponder assignments (col. 11, lines 46-61).

However, Frisco fails to specifically disclose loading forward link transponder assignments onto a piece of communications equipment of the mobile platform.

However, in the same field of endeavor, Lusignan teaches loading forward link transponder assignments onto a piece of communications equipment of the mobile platform (col. 13, lines 14-35 & col. 18, lines 56-59) and loading a plurality of priority sets of forward link transponder assignment on a ground station (col. 13, lines 36-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include Lusignan's teachings with Frisco's failed receiver notification means in order to be able dynamically reassign each digital television channel to any transponder on each C-band satellite.

Allowable Subject Matter

Claims 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, the prior art of record, fails to specifically disclose a default transponder assignment table loaded on the piece of communications equipment, the default transponder table comprising a default forward link transponder assignment table, wherein when the piece of receiver equipment is inoperable, the piece of communications equipment transmits a signal to the transponder based on the default transponder assignment table, the transponder transmits a return link assignment to the piece of communications equipment, and the mobile platform transmits a signal to the ground station via the transponder such that the ground station transmits a correct forward link assignment via the transponder to the piece of communications equipment.

Claims 1-6, 14, 15 and 17 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claims 1-6, 14, 15 and 17, see reason for allowance in office action dated 5/21/04.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2684

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 703-305-4223. The examiner can normally be reached on 8:00AM to 5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


EDAN ORGAD
PATENT EXAMINER/TELECOMM.